

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

## ORDER OF DETENTION

☐ (1) There is probable cause to believe that Defendant has committed the following:

☐ an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. §§ 801 *et seq.*, 951 *et seq.*, or 46 U.S.C. App. § 1901 *et seq.*

☐ an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332(b).

☐ an offense listed in 18 U.S.C. § 2332b(g)(5)(B) (crimes of terrorism) for which a maximum term of imprisonment of ten years or more is prescribed.

☐ an offense involving a minor victim prescribed in \_\_\_\_\_.<sup>1</sup>

☐ (2) Defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure Defendant's appearance as required at future court proceedings and the safety of the community.

#### **Alternative Findings**

☐ (1) There is a serious risk that Defendant will flee and no condition or combination of conditions will reasonably assure Defendant's appearance as required at future court proceedings.

☐ (2) No condition or combination of conditions will reasonably assure the safety of the community or others if Defendant were released from detention.

☐ (3) There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror).

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<sup>1</sup> Insert as applicable: 18 U.S.C. § 1201 (kidnaping); § 1591 (sex trafficking); § 2241 (aggravated sexual abuse); § 2242 (sexual abuse); § 2244(a)(1) (certain abusive sexual contact); § 2245 (offenses resulting in death); § 2251 (sexual exploitation of children); § 2251A (selling or buying of children); § 2252(a)(1), 2252(a)(2), 2252(a)(3) (certain activities relating to material involving sexual exploitation of minors); § 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4) (certain activities relating to material constituting or containing child pornography); § 2260 (production of sexually explicit depictions of minors for importation into the U.S.); § 2421 (transportation for prostitution or a criminal sexual activity offense); § 2422 (coercion or enticement for a criminal sexual activity); § 2423 (transportation of minors with intent to engage in criminal sexual activity); and § 2425 (use of interstate facilities to transmit information about a minor).

☐ (4) \_\_\_\_\_

**PART II -- WRITTEN STATEMENT OF REASONS FOR DETENTION**

(Check one or both, as applicable)

☒ (1) The Court finds that credible testimony and information submitted at the hearing establish by clear and convincing evidence as to danger that:

Defendant waived his right to a detention hearing and submitted on the allegations in the indictment (Failure to Register as a Convicted Sex Offender, 18 U.S.C. 2250(a))

☒ (2) The Court finds by a preponderance of the evidence as to risk of flight that:

☐ Defendant has no significant contacts in the District of Arizona;

☐ Defendant has no resources in the United States from which he/she might make a bond reasonably calculated to assure his/her future appearance;

☒ Defendant has a prior criminal history;

☐ Defendant has a record of failure(s) to appear in court as ordered;

☐ Defendant attempted to evade law enforcement contact by fleeing from law enforcement;

☐ Defendant is facing a minimum mandatory of \_\_\_\_\_ incarceration and a maximum of \_\_\_\_\_ if convicted;

☐ Defendant does not dispute the information contained in the Pretrial Services Report, and all supplements, if any, except:

☒ In addition:

Defendant waived his right to a detention hearing and submitted on the allegations in the indictment (Failure to Register as a Convicted Sex Offender, 18 U.S.C. 2250(a))

1 The Court incorporates by reference the findings of the Pretrial Services report and  
2 all supplements, if any, which were reviewed by the Court at or before the time of the  
3 hearing in this matter.

4 **PART III -- DIRECTIONS REGARDING DETENTION**

5 **IT IS ORDERED** that Defendant is hereby committed to the custody of the  
6 Attorney General or his/her designated representative for confinement in a corrections  
7 facility separate, to the extent practicable, from persons awaiting or serving sentences or  
8 being held in custody pending appeal. 18 U.S.C. § 3142(i)(2). Defendant shall be afforded  
9 a reasonable opportunity for private consultation with defense counsel. 18 U.S.C. § 3142  
10 (i)(3). Upon order of a court of the United States or request of an attorney for the Govern-  
11 ment, the person in charge of the corrections facility shall deliver Defendant to the United  
12 States Marshal Service for the purpose of an appearance in connection with a court  
13 proceeding. 18 U.S.C. § 3142(i)(4).

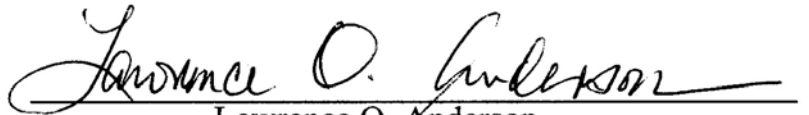
14 **PART IV -- APPEALS AND THIRD PARTY RELEASE**

15 **IT IS FURTHER ORDERED** that should a review of this detention order be  
16 filed pursuant to 18 U.S.C. § 3145, it is the responsibility of the movant's attorney to  
17 deliver a copy of the motion for review to U.S. Pretrial Services, at least, one day prior to  
18 the review hearing set before the assigned District Judge. Pursuant to Rule 59(a), Fed.R.  
19 Crim.P. (2010), a party seeking review shall have **fourteen (14) days** to file a motion for  
20 review after being served with a copy of this written order, after the oral order is stated on  
21 the record, or at some other time the assigned District Judge may set. Failure to timely file  
22 a motion for review in accordance with Rule 59(a) may waive the right to review. Rule  
23 59(a), Fed.R.Crim.P.

24 **IT IS FURTHER ORDERED** that the issue of detention may be reopened at any  
25 time before trial upon a finding that information exists that was not known to the movant  
26 at the time of the detention hearing and such information has a material bearing on the  
27 issue whether there are conditions of release that will reasonably assure the appearance of  
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1 Defendant as required and the safety of any other person and the community. Title 18  
2 U.S.C. § 3142(f).

3 DATED this 16<sup>th</sup> day of April, 2013.

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6 Lawrence O. Anderson  
7 United States Magistrate Judge  
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